

REMARKS

The Non-final Office Action, mailed April 3, 2008, considered claims 1–22. Claims 1–22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barbazette et al., U.S. Patent Pub. No. 2005/0010311 (filed Jul. 10, 2003) (hereinafter Barbazette), in view of Parthesarathy et al., U.S. Patent No. 6,353,926 (filed Jul. 15, 1998) (hereinafter Parthesarathy), and further in view of Ustaris, U.S. Patent Pub. No. 2004/0060035 (filed Sep. 24, 2002) (hereinafter Ustaris).¹

By this response, claims 1–6 and 8–10 are amended and claims 11–22 are cancelled. Claims 1–10 remain pending.² Claims 1 and 10 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 0033–36 and 0053.³

As reflected in the claims, the present invention is directed generally toward embodiments for automating computer support functionality. Claim 1 recites, for instance, in combination with all the elements of the claim, a method for automating computer support. The method includes detecting a type of computer-related problem and selecting a manifest based on the problem. The manifest identifies a number of tools for collecting data related to the problem. The manifest also identifies the location from which the tools may be downloaded. The manifest also identifies the current version of the tools, how the tools should be installed, and the parameter should be specified for the tools. The manifest also describes what output should be collected. A control mechanism automatically loads and executes on the user machine and interprets the manifest. When it's necessary, the control mechanism installs tools. The control mechanism also executes each of the tools on the user machine and the tools collect data from the machine. The control mechanism executes a reporting program which collects and reports collected data to a central support depository.

Claim 10 recites a computer program product embodiment of the method of claim 1.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney John Bacoch (reg. no. 59,890) and attorney Thomas Bonacci.

³ Note that the paragraph numbers are taken from the published application, U.S. Patent Pub. 20050114362 (May 26, 2005). It should also be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

The pending independent claims 1 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barbazette in view of Parthesarathy and in view of Ustaris.⁴ The independent claims have now been amended and the Applicants submit that the prior art fails to teach or suggest all the limitations of the claims as they are now presented herein.

Barbazette discloses a data collection and diagnostic system for a semiconductor fabrication facility.⁵ Parthesarathy discloses a method for allowing a software vendor to notify users of available software updates.⁶ Ustaris discloses a method for building, deploying, and installing software resources across multiple computer systems.⁷

However, *inter alia*, the prior art fails to teach or suggest a manifest being selected from a plurality of manifests. The prior art fails to teach or suggest the manifest identifying a set of one or more tools for collecting data for analysis with respect to diagnosing a computer-related problem. The prior art fails to teach or suggest the manifest identifying the location from which each of a set of one or more tools may be downloaded. The prior art fails to teach or suggest the manifest identifying the current version of each of the tools, how the tools should be installed, and what parameters should be specified. The prior art fails to teach or suggest the manifest providing information comprising parameters for running each of the tools with an appropriate configuration.

The prior art fails also to teach or suggest a control mechanism automatically loading and executing on the user machine. The prior art fails to teach or suggest the control mechanism interpreting the manifest. The prior art fails to teach or suggest the control mechanism installing one or more of the set of one or more tools when necessary. The prior art fails to teach or suggest the control mechanism executing a reporting program. And the prior art fails to teach or suggest the reporting program delivering the packaged data to a central support depository.

Because of at least the noted distinctions, the Applicants respectfully submit that a rejection of independent claims 1 and 10 under 35 U.S.C. § 103 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of the claims as they are now presented herein.

⁴ Office Communication pp. 2-3 (paper no. 03282008, April 3, 2008).

⁵ See Barbazette, Abstract.

⁶ See Parthesarathy, Abstract.

⁷ See Ustaris, Abstract.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 3rd day of July, 2008.

Respectfully submitted,



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